

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

RODRIGUEZ WHORTON

Petitioner,

v.

Case No. 10-13902  
Hon. Lawrence P. Zatkoff

PAUL KLEE,

Respondent.

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**OPINION AND ORDER ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter comes before the Court on the Magistrate Judge's Report and Recommendation [dkt 29], in which the Magistrate Judge recommends that the Court (1) grant Petitioner's motion for extension of time to file objections, (2) grant Petitioner's motion to alter or amend judgment, and (3) upon reconsideration, deny Petitioner's application for the writ of habeas corpus and certificate of appealability. No objections were filed to the Magistrate's Report and Recommendation, and the time period in which to do so has elapsed. *See* Fed. R. Civ. P 72(b)(2).

The Court has thoroughly reviewed the court file and the Report and Recommendation. As a result of that review, the Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court.

Accordingly, IT IS HEREBY ORDERED that Petitioner's motion for extension of time to file objections [dkt 25] is GRANTED; Petitioner's motion to alter or amend judgment [dkt 27] is GRANTED; and Petitioner's application for the writ of habeas corpus and certificate of appealability [dkt 1] is DENIED, and this cause of action is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff  
Hon. Lawrence P. Zatkoff  
U.S. District Judge

Date: September 20, 2013